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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,359	07/11/2003	Peter Reutlinger	028987.52349US	1514

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EXAMINER

YEAGLEY, DANIEL S

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,359

Applicant(s)

REUTLINGER ET AL.

Examiner

Daniel Yeagley

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/11/03, 1/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper (note: page 1, first paragraph). Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

Claim Objections

2. Claim 5 and Claim 7 are objected to because of the following informalities:
Regarding claims 5 and 7, the word "swivellable" is misspelled.
Appropriate corrections are required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 9 and Claim 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 9 and 10, the term "its" are considered indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gentner et al '475.

Gentner shows a trailer towing device comprising a ball at an end side of a coupling neck configured to be adjustable on a vehicle body between an inoperative and an operative position, which includes an adjustably held socket, wherein the socket is arranged on the vehicle body in a resiliently pre-stressed manner, such that adjustable movement of the coupling neck adjusts the socket and takes the socket along to and from a moved-out operative position and a moved-in inoperative position (figure 1-4), wherein the coupling neck takes along the socket 56 which rests thereon from the inoperative position, at least into intermediate positions and, into an operative position (figure 3), the coupling neck arranged at a distance from the socket without a connection existing between the coupling neck and the socket (column 3, line 7-20), .

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 2 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentner et al '475 in view of Jaeger '618 (IDS).

Gentner showed a trailer towing device wherein, in an end position, the socket is arranged below the member having two spaced legs, so that when in an inoperative position is swivelable between the legs into a clearance (figure 2), and as stated above disclosed the trailer towing device having a pivotal ball neck and a separate pivotal socket being pivotal together (column 3), wherein the socket and ball neck are disclosed as being capable of pivoted about an axis to a inoperable and operable position, and although suggested other realization of arrangements failed to show a socket being swiveled about a horizontal axis in a vertical direction by a pivot pin on a side of the vehicle body or member.

Jaeger shows a trailer-towing device utilizing a socket that is pivotally swiveled in a vertical direction about a horizontal axis by a pivot pin on a side of the vehicle body or member for swiveling the socket into an inoperable and operable position in reference to the pivotal swiveling of the ball neck which further includes the feature of a spring element 5 supported at one end on a side of the member and at another end faces away on a finger-shaped stop part of a bearing plate 4 of the socket arranged with the pivot pin to hold the socket in an end position with the stop part 4'' oriented away from the bearing plate 4' and when in the end position extends under a leg 1 of the member operatively connected with the vehicle body as best understood.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the swivel arrangement of the pivotal ball neck and socket of Gentner with another type of swiveling arrangement as suggested by Gentner, for example a swivel arrangement which utilizes a pivoting ball neck and socket, wherein a pivot pin on a side of the vehicle body is spring biased to provide a pivotal motion of the socket about a horizontal axis in a vertical direction in relation to movement of a pivotal ball neck as taught by Jaeger.

Allowable Subject Matter

9. Claims 7 – 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kleb et al '500 shows a trailer towing device having a ball coupling neck and socket adjustable on a vehicle body between an inoperative and an operative position.

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Abels '640 and 641, Kleb et al '988, Durm '205, Pilhall '827 and Williams '299 show a trailer-towing device having a ball coupling neck adjustable on a vehicle body between an inoperative and an operative position.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is **703 - 305 - 0838**. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D Morris can be reached on **703 - 308 - 0629**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In the near future, because of a pending move of the examining corps to a new campus, the examiner and SPE telephone numbers will change to **571 - 272 - 6655** and **571 - 272 - 6651**; respectively.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.

**RUTHILAN
PRIMARY EXAMINER**

Ruth Ilan
3/21/05